



City of Santa Barbara Planning Division

STAFF HEARING OFFICER MINUTES

JUNE 17, 2009

CALL TO ORDER:

Ms. Reardon, Senior Planner, called the meeting to order at 9:02 a.m.

STAFF PRESENT:

Susan Reardon, Senior Planner
Danny Kato, Senior Planner
Roxanne Milazzo, Associate Planner
JoAnne LaConte, Assistant Planner
Kelly Brodison, Assistant Planner
Chelsey Swanson, Assistant Transportation Planner
Gloria Shafer, Staff Hearing Officer Secretary

I. PRELIMINARY MATTERS:

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.
Ms. Reardon announced that Item II.B, 1337 Cliff Drive, has been postponed indefinitely.
- B. Announcements and appeals.
Ms. Reardon announced that an appeal of 1931 El Camino De La Luz has been filed to Planning Commission; a hearing date has not been set.
- C. Comments from members of the public pertaining to items not on this agenda.
None.

II. PROJECTS:

ACTUAL TIME: 9:03 A.M.

- A. APPLICATION OF BUCHER-AGGELER REVOCABLE TRUST, 2506 CALLE ANDALUCIA, APN 041-421-001, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2009-00223)

The project site is located on the corner of Calle Andalucia and Calle Galicia, and is developed with a single family residence and attached garage. The proposed project involves an "as-built" fence located along the Calle Andalucia frontage. The discretionary

application required for this project is a Modification to permit the fence to exceed the maximum allowable height of 3 ½' when located along a front lot line (SBMC §28.87.170).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301 & 15305.

Present: Carrie Aggeler, Owner.

Roxanne Milazzo, Associate Planner, gave the Staff presentation and recommendation.

Ms. Reardon announced that she read the Staff Report for the proposed project and also visited the site and surrounding neighborhood.

The Public Hearing was opened at 9:08 a.m.

Letters in support of the project from Jackie Lincoln, Paul and Jacqueline Miller, Paula Westbury, Theo Kracke and Jean Gartzke were acknowledged.

The Public Hearing was closed at 9:09 a.m.

ACTION:

Assigned Resolution No. 047-09

Approved the subject application making the finding that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The "as-built" fence secures privacy to the rear yard of this corner property without safety impacts to the neighborhood. Said approval is subject to the condition that the fence be approved by the Single Family Design Board prior to issuance of a building permit, and that the hedge along Calle Andalucia Street frontage be reduced to 3 ½' in height within 10 feet of the front property line and its height reduced to 8 feet within the required 30' front setback.

The ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

B. APPLICATION OF MICHAEL HARRISON, 1337 CLIFF DRIVE, APN 045-041-004, E-3 ONE-FAMILY RESIDENCE/SD-3 COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: 5 UNITS PER ACRE (MST2009-00200)

The 7,940 square foot project site is currently developed with a single family residence and attached 2-car garage. The proposed project involves conversion of the existing garage to habitable space, 537 square feet of first floor additions, and a 651 square foot second floor addition with deck. The discretionary application required for this project is a Modification to permit the garage conversion within the required 6' interior setback (SBMC §28.15.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301 & 15305.

The item was postponed indefinitely.

ACTUAL TIME: 9:12 A.M.

C. APPLICATION OF SANTA BARBARA AMATEUR RADIO CLUB, INC. FOR THE CITY OF SANTA BARBARA, 740 DOLORES DRIVE, APN 035-033-013, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2008-00375)

The 14.99 acre parcel is currently developed with the Vic Trace Reservoir, City of Santa Barbara radio communications structures, AT&T Wireless cellular tower, and two sheds with associated radio towers operated by the Santa Barbara Amateur Radio Club. The proposed project involves the replacement of the roof on an existing 491 square foot concrete block building, and replacement of two existing 50 square foot accessory structures with one 200 square foot prefabricated structure. The discretionary application required for this project is a Modification to permit the new structure to be located closer than 20' to another main building on the same lot (SBMC §28.15.070).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301 & 15305.

Present: Dennis Thompson, Architect; Bill Sweeny, Project Manager.

Roxanne Milazzo, Associate Planner, gave the Staff presentation and recommendation.

Ms. Reardon questioned why the prefabricated building was not rotated and why was it not attached to the existing concrete block building. Mr. Thompson explained that it is not possible to cut into the first foot of the concrete building due to conduit, and because the two buildings are composed of two differing material types it is not feasible to rotate and attach.

The Public Hearing was opened at 9:18 a.m.

A letter in opposition from Paula Westbury was acknowledged.

Public comment closed at 9:18 a.m.

ACTION:

Assigned Resolution No. 048-09

Approved the subject application making the finding that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The new structure consolidates SBARC's equipment into one building for its continued use without intensification or impact to the residential neighbors.

The ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

ACTUAL TIME: 9:21 A.M.

D. APPLICATION OF BOB EASTON FOR CAROLANN & LLAD PHILLIPS, 2220 MT. CALVARY ROAD, APN 021-040-013, A-1 ZONE, GENERAL PLAN DESIGNATION: MAJOR HILLSIDE (MST2009-00202)

The 53,434 square foot project site was previously developed with a 2,400 square foot single-family residence and two-car carport, which were destroyed in the Tea Fire. The project consists of construction of a 3,225 square foot two-story house and attached 450 square foot garage. The discretionary application required for this project is a Modification to permit the garage to be located within the required 35' front setback (SBMC §28.15.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 & 15305.

Present: Bob Easton, Architect; Carolann and Llad Phillips, Owners.

Roxanne Milazzo, Associate Planner, gave the Staff presentation and recommendation.

The Public Hearing was opened at 9:26 a.m.

A letter in opposition from Paula Westbury was acknowledged.

Public comment was closed at 9:26 a.m.

ACTION:

Assigned Resolution No. 049-09

Approved the subject application making the finding that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. By moving the garage into the front setback, the area behind the house is improved for the intended purposes. Utilizing the additional 5' of front yard for development still makes use of the existing building pad and eliminates the need for additional grading and retaining on-site. Said approval is subject to the condition that the Single Family Design Board is to review proposed landscaping in front yard to screen auto-court from street.

The ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

ACTUAL TIME: 9:29 A.M.

E. APPLICATION OF EDWARD H. JR. AND MARJORIE KIRSHBAUM TRUST FOR 50 RINCON VISTA ROAD, APN 019-282-019, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: THREE (3) UNITS PER ACRE (MST2009-00260)

The 0.48 acre site was previously developed with a single-family residence and a detached two-car garage, which were destroyed in the Tea Fire. The proposed project consists of reconstruction of a 3,345 square foot two-story residence and deck with a detached, approximately 421 square foot, garage. The discretionary application required for this project is a Modification to permit alterations to the detached garage within the required 30 foot front setback (SBMC § 28.15.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 & 15305.

Present: Edward and Marjorie Kirshbaum, Property Owners.

JoAnne La Conte, Assistant Planner, gave the Staff presentation and recommendation.

The Public Hearing was opened at 9:40 a.m.

Letters in opposition from Laurie Thrower, Attorney for Claribel Koch, and Paula Westbury were acknowledged.

Letters in support from David Resnick, and Carol Pike and Darlene Levay were acknowledged.

The Public Hearing was closed at 9:41 a.m.

Ms. Reardon questioned the location of the north interior property line in relation to the garage and stated that it would need to be verified as part of the building permit process.

ACTION:

Assigned Resolution No. 050-09

Approved the subject application making the finding that the Modification is consistent with the purposes and intent of the Zoning Ordinance, and is necessary to secure an appropriate improvement on this lot. The proposed alterations to the garage in the required front setback will allow for a rebuild of the previous garage with a minor expansion of the garage height by approximately 30 inches, no further ground disturbance over what existed prior to the Tea Fire, and no anticipated impacts to adjacent neighbors.

Said approval is subject to the following conditions: 1) the reference to future work will be removed from the plans; 2) the removal of one kitchen; 3) a zoning compliance declaration to be recorded indicating only one single family residence; 4) The Single Family Design Board will review site drainage.

The ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

ACTUAL TIME: 9:47 A.M.

F. APPLICATION OF GIL GARCIA, AGENT FOR THE SANTA BARBARA PATIENTS' COLLECTIVE HEALTH COOPERATIVE (SBPCHC) MEDICAL CANNABIS DISPENSARY, 500 N. MILPAS STREET, 031-241-038, C-2 ZONE, GENERAL PLAN DESIGNATION: INDUSTRIAL (MST2009-00155).

The project consists of establishment of a medical cannabis dispensary within an existing 1,110 square foot tenant space at 500 N. Milpas Street. The discretionary applications required for this project are a medical cannabis dispensary permit (SBMC § 28.80.030).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301, Existing Structures.

Present: Gil Garcia, Architect; James Lee, Founding Member and Director; Nathaniel Reinke, Founding Member and Director.

Kelly Brodison, Assistant Planner, gave the Staff presentation and recommendation.

Ms. Reardon requested clarification of the patient care area and lounge, and hours of operation. Mr. Lee responded that the lounge would be available to employees on break and to patients waiting for assistance. He explained that the patient care office would be available to patients to enroll in off site alternative medicine services, such as nutrition and yoga. Operational hours are anticipated to be 11 a.m. to 8 p.m., with the potential to reduce or shift hours.

Mr. Kato questioned the consequences of patients found smoking within 100 feet of the facility. Mr. Reinke explained that a notation would be made in their system and those patients who were in violation of the agreed terms and conditions, would no longer be provided service.

The Public Hearing was opened at 10:02 a.m.

Barbara Ellis, in support: explained the benefits of medicinal cannabis, in support of the safety issues in place.

Saturnino Moreno, opposed: concerned that the facility is too close to a school and park. Would prefer that dispensing take place in hospitals or pharmacies.

Britta Bartels, opposed: concerned about children who have marijuana addictions and about the secondary distribution of marijuana obtained from dispensaries.

Navid Eskandari, opposed: concerned about existing crime in the struggling neighborhood. Concerned about the lack of licensed security officers.

John Cochran, opposed: concerned about lack of parking and security; potential for loss of tenants if the facility opens.

Naomi Green, opposed: concerned that the facility will negatively impact the neighborhood.

Suzanne Gillingham, Milpas Parking Corporation, opposed: concerned about the parking and the potential for graffiti.

Letters and e-mails in opposition from Jeff Restivo, Paula Westbury, Britta Bartels and Danny Moreno, and Robert Palmer and Angela Lee were acknowledged.

The public hearing closed at 10:19 a.m.

Reardon requested explanation of expected clientele and asked why distribution through a medical facility or pharmacy is not possible. Mr. Lee responded that no one under the age of 18 will be allowed inside. The host will screen for age, doctor recommendation or state issued ID card. Mr. Lee clarified that because marijuana is schedule 1 drug physicians can not prescribe, only recommend its use, therefore pharmacies can not dispense.

Ms. Reardon requested explanation of dispensary location criteria, security requirements, and crime statistics. Mr. Kato explained that the location requirements were modeled after the adult entertainment ordinance which has a 500 foot minimum distance from schools, parks. He stated that the Code does not require security personnel but rather a security plan approved by the Police Department which includes a security alarm. Mr. Kato responded that there is no high crime area district, and crime in the area does not rise to the level to disqualify a dispensary.

ACTION:

Assigned Resolution No. 051-09

Approved the project making the findings contained in Section VI of the Staff Report dated June 10, 2009, and subject to the Conditions of Approval contained in Exhibit A. with the following additional conditions: 10. The hours of operation for the dispensary shall be limited to between 10:00 a.m. to 7:00 p.m.; 11. The Terms of Agreement shall include a notification to all employees and customers of the dispensary that the parking lot at 907 E. Haley is not available for their use. However, if an agreement were to be reached between the owners of the dispensary and the Milpas Parking Corporation for the use of the parking lot, this condition would no longer apply. 12. The security personnel hired to comply with, SBMC Section 28.80.090.B.9, shall be a "Licensed" security person. The Licensed security person's responsibilities shall include enforcing the requirements to disallow cannabis use on the site, control of conduct resulting in disturbances, vandalism, crowd control inside or outside the premises, traffic control problems, cannabis use in public, or creation of a public or private nuisance, or interference with the operation of another business.

The ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

ACTUAL TIME: 10:49 A.M.

G. APPLICATION OF CLAY AURELL, ARCHITECT FOR LEED SANTA BARBARA LLC, 617 BRADBURY AVENUE, 037-122-006, C-2 COMMERCIAL ZONES, GENERAL PLAN DESIGNATION: COMMERCIAL/RESIDENTIAL 12 UNITS/ACRE (MST2007-00559)

The project consists of the demolition of an existing duplex, and the construction of a sustainable, 5,897 square foot, three-story, mixed-use building. The proposal will result in two residential condominiums and two commercial condominiums, with an on-grade parking structure. Bicycle parking and a changing room are provided within the garage structure. The residential units are 1,508 s.f., two-bedroom, and three-story units at the rear of the lot. The commercial units are a total of 983 s.f. and are located on the first and second floor adjacent to the street. The proposal includes 2,015 s.f. of green roof and upper level landscape plantings.

The discretionary applications required for this project are:

1. A Development Plan to allow the construction of 983 square feet of nonresidential development (SBMC §28.87.300); and
2. A Tentative Subdivision Map for a one-lot subdivision to create two (2) commercial and two (2) residential condominium units (SBMC 27.07 and 27.13).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 (New Construction of Small Structures) and 15315 (Minor Land Use Divisions).

Present: Josh Blummer, Architect; Fae Perry, Owner.

Danny Kato, Senior Planner, gave the Staff presentation and recommendation. Mr. Kato explained that the Zoning Ordinance requires a 15x15 open space on the lot which cannot be located in the front yard. The 15x15 open space proposed in the front yard does not meet the Zoning Ordinance requirements. Therefore the Staff Hearing Officer can not take action on the project today. Mr. Blummer responded that during initial discussions it was the Zoning staff's understanding that the space as proposed was in compliance with the ordinance.

Ms. Dawn Sherry, ABR Vice-Chair, explained that in the first two reviews it was felt that the project was too large. However the new applicant worked with ABR on reducing the mass, bulk, and scale. Some Board members were still not comfortable with the mass, bulk, and scale, but reductions of height and distance to the interior property line allowed a majority of the board to make finding of compatibility and massing.

The Public Hearing was opened at 11:17 a.m.

Wanda Livernois, opposed: concerned about the loss of sunlight; size is not compatible to the neighborhood; the lot is too small for a mixed use project.

Robert Livernois, opposed: the mass, bulk, scale and architecture are not compatible with the neighborhood.

Caroline Vassallo, opposed: the proposal is not compatible with the character and style of the neighborhood.

A letter in opposition from Paula Westbury was acknowledged.

The Public Hearing was closed at 11:31 a.m.

Ms. Reardon requested clarification of the provision for excess parking and potential inconsistencies with the city's adopted Circulation Element and current discussions occurring in the Plan SB process, maneuverability, and shared parking for mixed-use projects. Ms. Swanson, Transportation Planner, explained that maneuverability issues were corrected through the DART process. Applicants with projects larger than two units are advised to meet but not exceed the Parking Ordinance of one space per unit, however it was

the applicant's preference to provide two parking spaces per unit. The proposed garage door design currently is not prohibited by Zoning Ordinance.

Ms. Reardon also expressed concerns regarding proposed balconies in regards to privacy issues between the project site and adjacent neighboring properties; and suggested the project return to ABR for additional comments related to the projects size, bulk, and scale and neighborhood compatibility.

The hearing was recessed at 11:58 and reconvened at 12:10.

Ms. Reardon continued the project four weeks to July 15 for the applicant to resolve the open space issue and to restudy the amount of parking and provision of private garages, as well as address the concerns regarding privacy issues between the project site and adjacent properties.

III. ADJOURNMENT

The meeting was adjourned at 12:11 a.m.

Submitted by,



Gloria Shafer, Staff Hearing Officer Secretary